

CHARGE OF DISCRIMINATION

AGENCY

CHARGE NUMBER

This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.

☐ FEPA
☒ EEOC

221A00639

Ohio Civil Rights Commission

State or local Agency, if any

and EEOC

NAME (Indicate Mr., Ms., Mrs.)

Ms. Andrea L. Ngo

HOME TELEPHONE (Include Area Code)

(513) 921-5152

STREET ADDRESS

CITY, STATE AND ZIP CODE

1697 Atson Lane, Cincinnati, OH 45205

DATE OF BIRTH

04/20/1934

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME

NUMBER OF EMPLOYEES, MEMBERS

TELEPHONE (Include Area Code)

CINCINNATI, CITY OF

Cat D (501 +)

(513) 557-7000

STREET ADDRESS

CITY, STATE AND ZIP CODE

Metropolitan Sewer District, 1081 Woodrow, Cincinnati, OH 45204

COUNTY

061

NAME

TELEPHONE NUMBER (Include Area Code)

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))

☒ RACE ☐ COLOR ☒ SEX ☐ RELIGION ☒ NATIONAL ORIGIN
☐ RETALIATION ☒ AGE ☐ DISABILITY ☐ OTHER (Specify)

DATE DISCRIMINATION TOOK PLACE
EARLIEST LATEST

11/04/1999 07/11/2000

☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s))

- I. I am being given different terms and conditions of employment in regards to plants in my work area, denial of a printer replacement, not repairing my computer, assignment of additional work, and lowered Performance Appraisal (June 2, 2000). I was also given a written reprimand on November 4, 1999, and marked as absent without leave (AWL) on May 30, 2000 (1) (See attached)
- II. Tara Williams (Chemist I, Black female American, about age 41), gave me a written reprimand on November 4, 1999, and charged with insubordination for failure to comply with a direct order to me remove my plants. Mike Nalley (Computer Specialist, White male American, about age 33) told me my computer was going to be replaced. Ms. Williams gave me a lowered appraisal for failure to follow directives. Beverly Head (Superintendent, Black female American, about age 50) told me she would see if my AWL was (2b) corrected or not and that it does take time (2)
- III. I believe I have been discriminated against because of my race Asian, national origin Vietnamese, and sex female in violation of Title VII of the Civil Rights Act and because of my age 66 in violation of the Age Discrimination in Employment Act.

☐ I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the foregoing is true and correct.

NOTARY - (When necessary for State and Local Requirements)

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

Andrea L. H. Ngo

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(Month, day and year)

August 10, 2000

Mary J. Reding

Date

Charging Party (signature)

STATE OF OHIOCASE NAME Ngo vs CINCINNATI, CCITY/COUNTY OF Cincinnati/HamiltonCASE NUMBER 221A00639**AFFIDAVIT**

I, Andrea L. Ngo being first duly sworn upon my oath affirm and hereby say:
 (Name)

I have been given assurances by an Agent of the U.S. Equal Employment Opportunity Commission that this Affidavit will be considered confidential by the United States Government and will not be disclosed as long as the case remains open unless it becomes necessary for the Government to produce the affidavit in a formal proceeding. Upon the closing of this case, the Affidavit may be subject to disclosure in accordance with Agency policy.

I am 66 years of age, my gender is Female and my racial identity is Asian Or Pacific.
 (sex) (race)

I reside at 1697 Atson Lane,
 (Number/Street)

City of Cincinnati, County of Hamilton,

State of OH, Zip Code 45205.

My telephone number is (including area code) (513) 921-5152.

My statement concerns CINCINNATI, CITY OF which is
 (Name of Union/Company/Agency)

located at Metropolitan Sewer District, 1081 Woodrow,
 (Number/Street)

in Cincinnati OH 45204.
 (City) (State) (Zip)

My job classification is (if applicable) Lab Technician II.
 (job title)

My immediate supervisor is (if applicable) Tara Williams, Chemist I.
 (Name) (job title)

This organization provides sewer testing for the City of Cincinnati. There are more than 500 employees with the City of Cincinnati. (3)

I was hired on May 22, 1995, as a Lab Technician I and after 6 months I was promoted to Lab Technician II.

I have been subjected to different terms and conditions of employment in regards to plants in my work area. On October 19, 1999, I was issued a memo by Tara Williams (Chemist I, my supervisor, Black female American, about age 41) that no plants were to be placed on the countertops in the laboratory room 216. On that same date, Ty Gouda (Chemist Supervisor, male from Egypt, about age 60) issued a similar memo to everyone that all plants should be placed on window sills or desks, not on lab benches because they may create a safety hazard. (3bis)

I did not remove my plants. Every year for the last 5 years, I have brought my plants into lab during the winter. Other Lab Technicians also had plants on their benches: Debby Newman (Lab Technician III, White female American, about age 40-45), ~~Annie Sierra (Lab Tech II, Puerto Rican female, about age 40)~~, Louise Shramm (Lab Tech II, White female American, under age 40), and Kathy Jackson (~~Lab Tech II demoted from Lab Tech III, Black female, under age 40~~). (4) Only I was given a (4bis)

STATE OF OHIO
CITY/COUNTY OF Cincinnati/Hamilton

CASE NAME Ngo vs CINCINNATI, C
CASE NUMBER 221A00639

AFFIDAVIT (cont.)

written reprimand by Tara Williams on November 4, 1999, and charged with insubordination for failure to comply with a direct order to remove my plants. Later, they moved the plants from their benches and put them on the floor, lab cart or their desks.

When I went on vacation, Beverly Head removed my plants. She did not give me any notice before this. I asked where they were but nobody would tell me. I reported this as a theft to the police on November 22, 1999. Ms. Head returned them to me after about 12 days but: 2 violet plants were missing, the Christmas Tree lost many decorations, and my returned plants were all very dried after about 2 weeks without water. (6)

I have been consistently not given a properly working printer. Tara Williams and Ty Gouda both ignore my request for a printer that works. Everyone else has a printer that works. I am the only Asian from Vietnam in this section. There are 2 Vietnamese males in another section downstairs. One is an Engineer (about age 51-52) and the other is a Waste Water Treatment Specialist (about age 45). There are about 7 Lab Technician II's in my section and 3 Lab Technician III's.

When I had a problem with my computer, Mike Nalley (Computer Specialist, White male American, about age 33) told me my computer was going to be replaced. When the computer replacement arrived, Beverly Head (Superintendent, Black female American, about age 50) and Tara Williams decided to give the new computer to Tim O'Kane (Lab Tech II, White male, about age 40 plus) instead of me. (7) I was not given a new computer until May, 2000.

(8) Tara Williams has given me additional work because she said I can do it. I can not do it because it is 2 peoples job. These job duties were Gerald Beverly's work (Lab Tech II, Black male American, under age 40). He transferred to another group. I believe the work should have been assigned to Ben Cohee (Lab Tech III, White male American, about age 40) as he is doing now. I had volunteered to do 4 out of the 5 things that Gerald Beverly had done, but not the fourth of: digesting samples for Total Nitrogen and Total Phosphorus analyses. That was too much work. Mr. Cohee has always had to do the digesting in the past. I believe

I have read and had an opportunity to correct this Affidavit consisting of _____ handwritten ☐ typed ☐ pages and swear that these facts are true and correct to the best of my knowledge and belief.

Subscribed and sworn to before me

this _____ day of _____.

Aug 10 10:54 2000 CP Initials _____ Chg # 221A00639, Attachment Page 1

Equal Employment Opportunity Commission
Affidavit, Additional Text

Ms. Williams will make me do this in the future. ⁽⁹⁾ She has also given me the duty of entering the data to the Laboratory Information Monitoring System (LIMS) which is really her job. I am still having to do this.

In 1999, Ms. Williams gave me a Superior evaluation advising that I was an excellent Technician. On June 2, 2000, she gave me a Does Not Meet Expectations on Rules and Regulations for failure to follow directives and insubordination when I refused to remove my plants from my working area. I do not use that bench where the plants were, nor does anyone else use that bench. X

I had permission to be off work on May 25 and May 26, 2000. My pay period report for May 30, 2000, shows that these 2 days have been marked as AWL (Absent Without Leave). I did bring in a doctor's statement to cover both of these days. When I asked Beverly Head about this, she told me she would see if it would be corrected or not since it was marked AWL and why I have not been paid for these 2 days. She said she would see if it is corrected or not and that it takes time. I am not sure if anyone else has been incorrectly marked as AWL on that pay period, but they have been incorrectly marked as AWL on other pay periods. Many of these are not corrected. Annie Sierra has complained about this; it was not changed even after she wrote a grievance. Gerald Beverly also had a problem; this is one of the reasons he is suing the City. ^(9 bis) X

They have not made any bias statements regarding my race, national origin, sex, or age. Ty Gouda and Dennis Madden (Manager of Budget, White male American, about age 50-55) have asked when I was going to be retiring.

I believe Kathy Jackson will be a witness for me. She is a Union Representative. Her number is 513.557.7037 at work. Robert Hill (Lab Technician II of MSD, Black male American, about age 45) is at 851.3928 (home). He is a Union Representative. He has said that the managers lie all the time and discriminate against us.

Kathy Jackson and Gerald Beverly have told me that they have already filed and been given their Notice of Right to Sue.

Many people working in this section are unhappy. Four Chemists and seven Technicians have left and are not being replaced. We have to do our work and theirs.

I am seeking that the written reprimands be removed from my file, that I

Aug 10 10:54 2000 CP Initials _____ Chg # 221A00639, Attachment Page 2
be (10)

be paid for the two days sick leave and the AWL changed to 2 sick days, that my performance appraisal be increased to does meet Rules and Regulations, a working printer, Tara Williams return to doing her duty of entering the data to the LIMS, an offical apology sent to everyone from Mrs. Head regarding my plants, to have plants on my desk and for all the Technicians to have them on benches that are not being used for laboratory reasons (11) and any and all other remedies allowed under the law.